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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,478	08/29/2001	Fernando Martins	42390P10853	8079

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EXAMINER

STREGE, JOHN B

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,478

Applicant(s)

MARTINS, FERNANDO

Examiner

John B Strege

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 15-16, 18, 20-21, 23, 25-34 is/are allowed.
- 6) ☒ Claim(s) 12-14, 17, 19, 22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Examiner's Comments

The claims have been renumbered 1-34 since there were two sets of claims numbered 11-12 (see pages 13 and 14) in the original. The dependencies of the dependent claims in relation to the independent claims have also been renumbered where possible, however in the cases where the claims refer any of the misnumbered claims (renumbered claims 12-14), it is unclear from which claim the dependency should come.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12-14, 17, 19, 22, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Renumbered claims 12-14 are rejected because it is unclear from which independent claim they depend as stated under Examiner's comments section.

Claims 17, 19, 22, and 24 are rejected. Claim 17 (originally 15, starting line 7, page 15) contains the letters "QQQ" instead of a proper preamble claiming dependency (such as "further comprising" for example). This is also true of claim 19 (originally 17, starting line 14, page 15), claim 22 (originally numbered 20, line 6, page 16), and claim 24 (originally numbered 22, starting line 13, page 16). Proper correction is required.

Allowable Subject Matter

3. Claims 1-11, 15-16, 18, 20-21, 23, and 25-34 are allowed.

4. The following is an examiner's statement of reasons for allowance: Regarding claim 1, none of the prior art discloses a method for constructing a first image and a second image of an omnivergent stereo image pair, comprising: determining a first omnivergent stereo pair based at least in part on the first image and the second image obtained by rotating a deflector about an axis distant from the reflector and receiving the images at a receptor with two sensing portions. The closest prior art is Omnivergent Stereo by Shum et al. in IEEE Int'l Conference on Computer Vision, Stereo Panorama with a Single Camera, Peleg et al. in Proc. Computer Vision and Pattern Recognition Conference, Shum et al. USPN 6,639,596, and USPN 6,665,003 Peleg et al. As stated by the Applicant Shum (Omnivergent Stereo) does not teach how a physical capture device can be created to implement the omnivergent images disclosed in the document. Furthermore the other documents disclose rotating a camera around a rotation axis, which differs from the claimed invention of rotating a reflector about a rotation axis.

Claims 11, has similar limitations to claim 1 such as constructing an omnivergent pair and rotating a prism about an axis of rotation, thus claim 11 is allowable for the same reasons given for claim 1.

Claims 15, 25, and 29 have similar limitations to claim 1 such as rotating a deflector mounted a distance from a rotation axis, and receiving at a receptor comprising two portions of sensors, thus are also allowable for the same reasons given for claim 1.

Claims 2-10, 16, 18, 20-21, 23, 26-28, and 30-34 are dependent on allowable claims and thus allowable for the same reasons as the claims they depend on.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 12-14, 17, 19, 22, and 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B Strege whose telephone number is (703) 305-8679. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



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